Keith Spencer
1224 Weaver Street
San Diego, CA 92114

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Other Orders/Judgments

3:08-cv-00942-DMS-LSP Spencer v. First Federal Bank et al

U.S. District Court

Southern District of California

Notice of Electronic Filing

The following transaction was entered on 7/16/2008 at 4:13 PM PDT and filed on 7/16/2008

Case Name: Spencer v. First Federal Bank et al
Case Number: 3:08-cv-942
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WARNING: CASE CLOSED on 07/16/2008
Document Number: 6

Docket Text:
ORDER (1) Denying Motion to proceed In Forma Pauperis, (2) Dismissing Case without prejudice and (3) Denying Motions to Dismiss as Moot re [2],[3],[5]. Pursuant to this Order, however, Plaintiff is granted 30 days leave to pay the $350 filing fee required to maintain this action, or to submit additional documentation regarding his economic status. If Plaintiff chooses to file additional information regarding his poverty, he must attach a copy of this order. Signed by Judge Dana M. Sabraw on 7/16/08. (All non-registered users served via U.S. Mail Service).(lao)

3:08-cv-942 Notice has been electronically mailed to:

Walter Clement Chung wchung@sandiego.gov, jpeters@sandiego.gov

Harris Mark Madnick hmmadnick@erlaw.com

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The following document(s) are associated with this transaction:

Document description: Main Document
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[STAMP dcecfStamp_ID=1106146653 [Date=7/16/2008] [FileNumber=2717927-0

] [22c188594c458adde77c2d2905b865973336c5ffe6a9abdc1e8a05ab517cfae8ce9
e15d3645a397e75bca90d73b66960c5ea623f08116fcf926173b247dedfd6]]

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

KEITH SPENCER,

Plaintiff,

vs.

FIRST FEDERAL BANK, et al.,

Defendant.

CASE NO. 08cv0942 DMS (LSP)

ORDER (1) DENYING MOTION TO PROCEED *IN FORMA PAUPERIS*, (2) DISMISSING CASE WITHOUT PREJUDICE AND (3) DENYING MOTIONS TO DISMISS AS MOOT

[Docket Nos. 2, 3, 5]

Plaintiff, proceeding *pro se*, has submitted a 28-page document that appears to be a civil complaint. Along with his complaint, Plaintiff has filed a motion to proceed *in forma pauperis.*

The Court finds that Plaintiff's declaration of inability to pay costs or give security is insufficient to permit him to proceed *in forma pauperis*. Specifically, Plaintiff states he is currently employed and earns an average of $1,500.00 per month. Although Plaintiff has monthly expenses, it appears his wife pays at least half of those expenses. It also appears Plaintiff has a primary residence worth $500,000, as well as a 1987 Mercedes Benz, which he owns outright. In light of this information, IT IS HEREBY ORDERED that Plaintiff's motion to proceed *in forma pauperis* is DENIED and the Complaint is DISMISSED without prejudice.[1] Pursuant to this Order, however, Plaintiff is granted 30 days leave to pay the $350 filing fee required to maintain this action pursuant to 28 U.S.C. § 1914, or to submit additional documentation regarding his economic status. **IF**

[1] In light of the dismissal, the pending motions to dismiss are denied as moot.

PLAINTIFF CHOOSES TO FILE ADDITIONAL INFORMATION REGARDING HIS POVERTY, HE MUST ATTACH A COPY OF THIS ORDER.

IT IS SO ORDERED.

DATED: July 16, 2008

HON. DANA M. SABRAW
United States District Judge

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